

1 RELIABLE TRUST DEED SERVICES, INC. **FILED**

2 19510 Ventura Boulevard

3 Suite 214

4 Tarzana, CA 91356

5 Tel: (818) 708-7272

6 Fax: (818) 727-7272

7 Real Property Trustee

08 JUL 10 PM 1:32

RICHARD B. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 JOSE HERNANDEZ and VIRGINIA
11 HERNANDEZ,

12 Plaintiffs,

13 vs.

14 SURINDER SROA, LINDA SROA,
15 ARGENTUM REAL ESTATE AND
16 MORTGAGE, AGUSTIN REYES, CALISTA
17 REYES, BNC MORTGAGE, INC., OPTION
18 ONE MORTGAGE CORPORATION,
19 CITIBANK (WEST), FSB, OLD REPUBLIC
20 TITLE COMPANY, TERRY
21 McGILLICUDDY, KIRT MENON, and
22 RELIABLE TRUST DEED SERVICES, INC.

23 Defendants.

Case No.: CV 08-2804 EMC

**DECLARATION OF NONMONETARY
STATUS OF TRUSTEE RELIABLE TRUST
DEED SERVICES, INC.**

(California Civil Code §2924l)

24
25 TO: THE COURT AND ALL INTERESTED PARTIES:

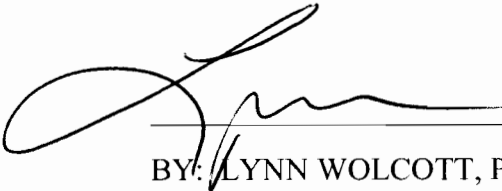
26 COMES NOW Reliable Trust Deed Services, Inc., by and through its President, Lynn Wolcott,
27 who sets forth the following Declaration of Nonmonetary Status pursuant to California Civil Code
28 §2924l, as follows:

- 1 I am the President of Reliable Trust Deed Services, Inc., a California corporation, which is
2 named in the Complaint of the above-entitled proceedings Jose Hernandez, et al. v. Surinder
3 Sroa, et al., Case No. CV 08-2804 EMC. Reliable Trust Deed Services, Inc. (hereinafter
4 "Reliable") is duly organized to conduct business in the State of California and engages in the
5 capacity as a Trustee in real property trust deed transactions.
- 6 2. On or about June 16, 2008 Reliable received certain documents, including a Complaint with
7 supporting documents regarding the subject court case at our offices in Tarzana, California.
- 8 3. On and after June 16, 2008, following receipt of the aforementioned documents by Reliable, I
9 personally reviewed the substance of the Complaint and the supporting documents. Based
10 upon this review, and upon review of the files and records maintained in Reliable's office,
11 Reliable acted in the capacity of Trustee on the deed of trust referenced in the subject action.
- 12 4. Based upon my review of the subject above-described moving papers and documentation, I
13 maintain the reasonable belief that Reliable has been named as a defendant in this civil
14 proceeding solely in its capacity as a trustee under the deed of trust, as alleged by Plaintiffs.
- 15 5. Furthermore, my review of the subject moving papers provides me the reasonable belief that
16 Reliable has not been named as defendant due to any acts or omissions on its part in the
17 performance of its duties as trustee. The basis for my knowledge and reasonable belief with
18 respect to the foregoing is the absence of any substantive allegations regarding any wrongful
19 acts or omissions by Reliable, and upon my review of the documents and records of the
20 transaction maintained by Reliable. Reliable performed the required tasks as Trustee in a
21 proper and timely fashion for its contractual fee consistent with its normal and customary
22 practice. At no time did Reliable (or its individual officers, directors or employees) maintain
23 a pecuniary or monetary interest in the transaction, including the subject trust deed, real
24 property or in any other manner or respect.
- 25 6. Reliable agrees to be bound by whatever order or judgment is issued by the court regarding
26 the subject trust deed.
- 27
- 28

1 If called as a witness, I would testify competently thereto with personal knowledge to the foregoing.

2 I declare under penalty of perjury at Tarzana, California that the foregoing is true and correct this 20th
3 day of June, 2008.

4
5 **RELIABLE TRUST DEED SERVICES, INC.**

6
7 
8 BY: LYNN WOLCOTT, President

PROOF OF SERVICE

STATE OF CALIFORNIA) **Jose Hernandez, et al. v. Surinder Sroa, et al**
) USDC Case No. CV 08-2804 EMC
 COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 19510 Ventura Boulevard, Suite 214, Tarzana, California 91356

On June 20, 2008 I served the foregoing documents, described as **Declaration of Nonmonetary Status of Trustee Reliable Trust Deed Services, Inc.** on all interested parties in said action by placing the above in a sealed envelope addressed as follows:

ANTONIO L. CORTES
 Attorney At Law
 528 Wisteria Way
 San Rafael, CA 94903

☒ **BY MAIL** as follows:

☐ **STATE** - I am "readily familiar" with Reliable Trust Deed Service's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Tarzana, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

☒ **FEDERAL** - I deposited such envelope in the U.S. Mail at Tarzana, California with postage thereon fully prepaid.

☐ **BY EXPRESS MAIL** as follows: I caused such envelope to be deposited in the U.S. Mail at Tarzana, California. The envelope was mailed with Express Mail Postage thereon fully prepaid.

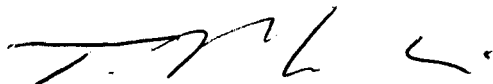
☐ **BY PERSONAL DELIVERY**: by causing personal delivery by **UNITED EXPRESS** of the document(s) listed above to the person(s) at the address(es) set forth below.

☐ **BY OVERNIGHT COURIER SERVICE** as follows: I caused such envelope to be delivered by overnight courier service to the offices of the addressee. The envelope was deposited in or with a facility regularly maintained by the overnight courier service with delivery fees paid or provided for.

☐ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 20, 2008 at Tarzana, California.



T. MACKENZIE